

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2021-57-T - ORDER NO. 2021-243(A)
JUNE 9, 2021

IN RE:	Application of Simmons Moving, LLC d/b/a College Hunks Moving to Amend Tariff) AMENDED ORDER) APPROVING TARIFF) AMENDMENTS
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The purpose of this amended order is to correct Order No. 2021-243. Order No. 2021-243 was issued May 24, 2021, wherein the Commission approved the application of Simmons Moving, LLC d/b/a College Hunks Moving (Applicant) to amend its tariff. As part of the order, the approved tariff was attached as Order Exhibit No. 1. The previously filed version of the tariff was mistakenly attached as the order exhibit and not the final revised version submitted by the Applicant. This amended order corrects the error by attachment of the final revised tariff (Order Exhibit No. 1). In all other respects, the order is unchanged from the original.

I. INTRODUCTION

This matter comes before the Public Service Commission of South Carolina (Commission) on the Application of Simmons Moving, LLC d/b/a College Hunks Moving (Simmons Moving, Applicant, or Company). Simmons Moving is a holder of a Class E Household Goods Motor Carrier and seeks approval to increase its hourly rates and other tariff changes.

II. FACTS AND PROCEDURAL HISTORY

Simmons Moving received a Class E Certificate on May 19, 2015, by Commission Order Number 2015-340 to transport household goods within Charleston, Dorchester, and Berkeley

counties under an approved tariff. Two years later, on May 26, 2017, the Commission issued Order Number 2017-284 granting Simmons Moving statewide operational authority, as well as approving “certain tariff changes.” (Order 2017-284, page 3).

On February 17, 2021, Simmons Moving sent correspondence to the Commission asking to amend its tariff. By letter dated February 18, 2021, the Clerk's Office of the Commission instructed the Company to publish a Notice of Filing (Notice) in newspapers of general circulation in the areas affected by the Application. Among other things, the Notice summarized the Company's proposed tariff changes and set an intervention deadline of March 26, 2021. The Commission required Simmons Moving to publish the Notice on or before March 5, 2021, and to provide proof of publication to the Commission no later than March 26, 2021. Simmons Moving published the Notice in *The Post and Courier*, Charleston County, on February 24, 2021, and submitted proof of filing to the Commission on March 1, 2021. No person intervened to this docket.

The South Carolina Office of Regulatory Staff (ORS), a party of record pursuant to section 58-41-10(B) of the South Carolina Code of Law (Supp. 2020), conducted a compliance review of the Simmons Moving's Application on March 10, 2021. By letter dated March 26, 2021, ORS informed the Commission Simmons Moving was in compliance with Commission rules and regulations. In addition, ORS noted the Applicant was also in compliance with its Annual Report and Gross Receipt filing requirements; and ORS verified it did not receive any consumer complaints regarding this Applicant in the past twelve months.

On April 14, 2021, by Directive, the Commission approved the Application of Simmons Moving to amend its tariff.

III. EVIDENCE OF RECORD

Simmons Moving requests approval to increase its hourly rates and to make other tariff changes and provided the Commission with its Application. ORS performed an Impact Study and prepared a Tariff Comparison of the currently approved tariffs under which the Simmons Moving conducts business, the proposed tariffs for which it seeks Commission approval, and the South Carolina Tariff Bureau (SCTB) rates. We find the proposed rates are reasonable and note there is no evidence the rates are discriminatory.

The ORS Impact Study reveals Simmons Moving is in compliance with applicable Commission rules and regulations. ORS has not received any consumer complaints regarding the applicant in the last twelve months. No person or party notified the Commission of its opposition to approval of the amended tariffs. Accordingly, the Application of Simmons Moving to increase its hourly rates and implement other tariff changes should be approved.

IV. LAW

The Commission is specifically authorized to regulate carriers of household goods, and to set their rates and charges: “[t]he commission must promulgate regulations necessary to control entry and certification standards, set rates and charges, and establish enforcement procedures and powers to govern the operations of carriers of household goods and hazardous waste for disposal.” S. C. Code Ann. § 58-23-590 (2015).

The Commission is authorized to fix or approve the rates charged by every South Carolina motor vehicle carrier: “[t]he commission shall regulate every motor carrier in this State and fix or approve the rates, fares, charges, classifications, and regulations pertaining to each motor carrier The rates once established remain in effect until such time when the commission determines the rates are unreasonable.” § 58-23-1010.

1. The commission shall make, fix, establish, or allow just and reasonable rates, fares, charges, classifications, and rules for all motor carriers subject to its rate jurisdiction.
2. As often as circumstances may require, the commission upon notice and hearing, if deemed necessary, from time to time may change or revise, or cause to be changed or revised, any rates, fares, charges, classifications, and rules of a carrier who operates under a Certificate of PC&N.

S.C. Code Ann. Regs. 103-191 (2012).

“Every rate made, demanded, or received by any motor carrier operating under a Certificate of PC&N . . . shall be just and reasonable.” S.C. Code Ann. Regs. 103-192 (2012). Once rates are approved, motor carriers are prohibited from charging more or less than the rates specified in lawful tariffs, schedules, or by specific order of the Commission:

[N]o motor carrier operating under a Certificate of PC&N shall charge . . . a greater or lesser or different compensation for transportation, or for any service rendered, than the rates, fares, and charges specified in the lawfully applicable tariffs or schedules in effect from time to time.

S.C. Code Ann. Regs. 103-198 (2012).

Furthermore, discrimination in the operation of a motor carrier’s certificate is prohibited:

[I]t shall be unlawful for any motor carrier operating under a Certificate of PC&N or FWA to make, give, or cause any undue or unreasonable preference or advantage to any particular person . . . or to subject any particular person . . . to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

S.C. Code Ann. Regs. 103-197 (2012).

V. DISCUSSION

Simmons Moving requests approval to increase its hourly rates and to make other tariff changes. From the comparison report prepared by ORS, the proposed tariff rates per hour for

the use of movers are all above the SCTB rates. Applicant seeks to increase the hourly rates for movers by \$10 to \$40 per hour, depending upon the number of movers and day of the week. ORS indicates the proposed tariff rates represent an increase of between 8.13 % and 100%, depending upon the service offered and when the move takes place. Even though the proposed rates are above the SCTB rates, the proposed rates are within a reasonable range of the SCTB rates. We note there is no evidence the rates are discriminatory.

As to the proposed changes for truck fees and overnight fees, the proposed rates are also within a reasonable range of the SCTB rates, where available, and we note the proposed rate for an overnight storage fee is equal to the SCTB rate.

The ORS Impact Study reveals Applicant is in compliance with applicable Commission rules and regulations. ORS has not received any consumer complaints regarding Simmons Moving in the last 12 months. No person or party notified the Commission of its opposition to approval of the amended tariff. Accordingly, the Application of Simmons Moving to increase its hourly rates and implement other tariff changes should be approved.

V. FINDINGS OF FACT

1. The Commission approved the application of Simmons Moving to receive a Class E Motor Carrier Certificate on May 19, 2015, in Order Number 2015-340. That Order authorized Applicant to operate in the counties of Charleston, Dorchester, and Berkeley and approved the tariff rates as set forth in the order.

2. The Commission granted statewide operational authority to Simmons Moving and tariff changes in Order Number 2017-284 on May 26, 2017.

3. Simmons Moving proposes an increase to its hourly tariff rates and an increase in certain other rates and charges.

4. After review of the Application and the Impact Study prepared by ORS, we find the proposed tariff hourly rates and the other proposed tariff changes are reasonable.

5. ORS determined Simmons Moving is in compliance with all applicable Commission rules and regulations, including the Annual Report and Gross Receipt filing requirements.

6. ORS has not received any consumer complaints about this Applicant in the past twelve months.

VI. CONCLUSIONS OF LAW

1. The proposed changes and amendments to the hourly rates and certain other tariff changes are just and reasonable pursuant to Regulation 103-191 and 192. S.C. Code Ann. Regs. 103-191 & 103-192 (2012).

2. The proposed changes and amendments to the hourly rates and certain other tariff changes are appropriate and shall be approved pursuant to the authority of the Commission set forth in section 58-23-1010 of the South Carolina Code of Laws (2015).

VIII. ORDERING PROVISIONS

IT IS THEREFORE ORDERED THAT:

1. The Application of Simmons Moving, LLC d/b/a College Hunks Moving to amend its tariffs is granted.

2. The proposed amendments to the hourly rates and other changes are hereby approved, and the Final Amended Tariff is approved. A copy of the Final Amended Tariff is attached hereto as Order Exhibit No. 1.

3. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



Justin T. Williams, Chairman
Public Service Commission of
South Carolina

College Hunks Moving South Carolina Household Goods Tariff

**REGULATIONS AND SCHEDULE OF CHARGES APPLICABLE TO
CERTAIN INTRASTATE HOUSEHOLD GOODS MOVES WITHIN THE
STATE OF SOUTH CAROLINA**

2021 PROPOSED

College Hunks Moving South Carolina Household Goods Tariff

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Date Proposed: 2/7/2017 Page 2 Effective Date: _____

College Hunks Moving South Carolina Household Goods Tariff

Applicability of Tariff

This tariff contains the regulations and rates applicable to the provision of intrastate household goods moved by College Hunks Moving. These services are furnished between points and places within the entire State of South Carolina.

Date Proposed: 2/7/2017 Page 3 Effective Date: _____

College Hunks Moving South Carolina Household Goods Tariff

SECTION 1

1.0 Transportation Charges

Transportation Charges include the hourly rates as listed below.

1.1 Hourly Rates and Charges

Moves will be conducted on a “straight time” basis, with a minimum hourly charge as set out below. The clock starts at the appropriate hourly rate when the movers get to the client origin and ends when the movers are completed at the destination. Travel time for moves originating and or finishing outside Charleston, Berkeley or Dorchester County will occur at the appropriate charges. These charges will apply for the travel to or from the origin and or destination, whichever is outside of these 3 counties.

A one time truck fee of \$123 for 2-3 movers and \$150 for 4 plus movers per move.

Number of Movers Hourly Week Day Rate

Two Men and a Truck \$123.00

Three Men and a Truck \$173.00

Four Men and a Truck \$223.00

\$150 OVERNIGHT FEE

Number of Movers Hourly Weekend Rate

Two Men and a Truck \$133.00

Three Men and a Truck \$183.00

Four Men and a Truck \$233.00

Additional Men - \$50 a man.

Weekend is Friday-Sunday

1.2 Office Hours / Minimum Hourly Charges:

College Hunks Moving will operate Monday – Friday, 8:00 am – 6:00 pm and Saturday and Sunday if needed to complete the move.

Monday - Sunday: Two Hour minimum charge.

After the minimum hourly charge, the hourly rates are calculated in fifteen-minute increments. Any interim charge is rounded up to the next fifteen-minute increment. If customers cancel within 48 hours of their move, College Hunks Moving will charge the applicable minimum. Hourly rates are the same, seven days a week, 24 hours a day, in every season of the year. Customers are not charged an additional fee for overtime labor.

SECTION 2

Date Proposed: 2/7/2017 Page 4 Effective Date: _____

College Hunks Moving South Carolina Household Goods Tariff

2.0 ADDITIONAL SERVICES

The following charges shall be assessed in addition to the hourly rates quoted in Section 1 of this tariff, in connection with a move involving additional items:

2.1 Bulky Article Charges (per item)

- Pianos- Upright and Spinnet only \$289
- Heavy Items exceeding 400lbs \$75
- Gun Safe - \$389
- Particle Board/Ikea style Furniture - College Hunks Moving is NOT RESPONSIBLE for these items without a liability waiver.

2.2 Elevator or Stair Carry

College Hunks Moving does not charge an additional fee for elevator or stair carry, except as specified in Section 2.1 above.

2.3 Excessive Distance or Long Carry Charges

College Hunks Moving does not charge an additional fee for carrying articles an excessive distance to or from the motor vehicle.

2.4 Pick Up and Delivery

College Hunks Moving does not charge an additional fee for making additional pick-ups or deliveries after the initial stop.

2.5 Packing and Unpacking

2.5.1 College Hunks Moving does not charge an additional fee for packing and unpacking. The packing rate is the same as the hourly rate listed in Section 1; plus the market price of packing materials, including sales tax on the materials.

2.5.2 College Hunks Moving is not responsible for items packed by the customer. Boxes containing fragile or breakable items must be properly labeled. College Hunks Hauling Junk and Moving reserves the right to decline any moves consisting of extremely large or fragile items.

Date Proposed: 2/7/2017 Page 5 Effective Date: _____

College Hunks Moving South Carolina Household Goods Tariff

2.6 Piano Charges

College Hunks Moving will move pianos. Only Upright and Spinnet.

2.7 Articles, Special Servicing

The rates and charges in this tariff do not include servicing or connection of appliances such as freezers, refrigerators, computer equipment, washers, dryers, televisions, and similar articles.

2.8 Waiting Time

The customer is charged the rates specified in Section 1 for all waiting time or delays which are not the fault of College Hunks Moving.

Date Proposed: 2/7/2017 Page 6 Effective Date: _____

College Hunks Moving South Carolina Household Goods Tariff

SECTION 3

3.0 RULES AND REGULATIONS

3.1 Claims

3.1.1 All claims for loss, damage or overcharge must be written and should be attached to the Bill of Lading.

3.1.2 Claimant must notify the carrier of all claims for concealed damage within 30 days of the move. College Hunks Moving must be given reasonable opportunity to inspect damaged items.

3.1.3 Although our movers will be careful with your possessions, from time to time damages may occur.

If damages are caused by our service, College Hunks Moving reserves the right to repair the damage(s) in question. If we determine that damages can not be repaired, we reserve the right to either replace or compensate (actual cash value) for the damage. College Hunks will pay \$.60 per pound of an item. The customer has the right to purchase their own insurance before the move. If there is damage, notify College Hunks Moving immediately. They will complete a Damage Report before they leave your site. If you discover damage after the move, call the office within 30 days of your move. No damage claims will be honored until the charges for moving services are paid in full. You will be asked to sign a Release of Liability acknowledging this.

3.2 Computing Charges

College Hunks Moving rates are computed by multiplying the applicable hourly rate by the time as provided in Section 1.

3.3 Governing Publications

College Hunks Moving rates and charges are governed by the terms and conditions of this tariff, and the Rules and Regulations of the South Carolina Public Service Commission.

3.4 Items of Particular Value

College Hunks Moving does not assume any liability whatsoever for documents, currency, credit cards, jewelry, watches, precious stones or articles of extraordinary value including accounts, bills, deeds, evidences of debt, securities, notes, postage stamps, stamp collections, trading stamps, revenue stamps, letters or packets of letters, alcoholic beverages, firearms, coin collections, articles of peculiarly inherent or intrinsic value, precious metals or articles manufactured there from. College Hunks Moving will not accept responsibility for safe delivery of such articles if they come into College Hunks Moving possession with or without College Hunks Moving knowledge.

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College Hunks Moving South Carolina Household Goods Tariff

3.5 Bill of Lading, Contract Terms, and Conditions

Each customer will be provided with a copy of College Hunks Moving Bill of Lading. The terms and conditions of the Bill of Lading, attached hereto, are hereby incorporated by reference.

3.6 Delays

College Hunks Moving shall not be liable for any delays in transporting household goods resulting from an act of God or fault or neglect of any unforeseen entities.

END OF SOUTH CAROLINA HOUSEHOLD GOODS TARIFF

Date Proposed: 2/7/2017 Page 8 Effective Date: _____